

## REMARKS

Claims 1-6 are pending in the application. The Examiner has rejected Claims 1-6 under 35 U.S.C. §103(a) as being unpatentable over Cheng et al. (U.S. Patent 6,226,301) in view of Johansson et al. (U.S. Patent 6,473,399).

Cheng et al. discloses a method and apparatus for segmentation and assembly of data frames for retransmission in a telecommunication system. The system disclosed in Cheng et al. is a system wherein the maximum number of segments is equal to 3, as in the admitted prior art. Johansson et al. discloses a method and apparatus for determining an optimum timeout under varying data rates in an RLC wireless system that uses a PDU counter. Each of Cheng et al. and Johansson et al. discloses a retransmission frame of a fixed length. The present invention is distinguished from the cited references in that the claims of the present application recite that the device and method transmit the retransmission frames at various lengths. Independent Claims 1, 2, 5 and 6 have been amended to recite this element. It is respectfully submitted that the claims as amended overcome the rejection based on Johansson et al. in view of Johansson et al.

Based on at least the foregoing arguments and amendments, withdrawal of the rejections of Claims 1-6 is respectfully requested.

Independent Claims 1, 2, 5 and 6 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 3 and 4, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 3 and 4 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-6, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants, attorney at the number given below.

Respectfully submitted,



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